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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,907	11/27/2001	Sheng-Ping Zhong	01-286	7678
27774	7590	04/24/2006	EXAMINER	
MAYER & WILLIAMS PC 251 NORTH AVENUE WEST 2ND FLOOR WESTFIELD, NJ 07090			SMITH, RUTH S	
			ART UNIT	PAPER NUMBER
			3737	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/993,907
Filing Date: November 27, 2001
Appellant(s): ZHONG ET AL.

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APR 24 2006

TECHNOLOGY CENTER H3700

Mayer Fortkort & Williams
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 9, 2006 appealing from the Office action mailed July 14, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,475,516	DiCosmo et al	11-2002
5,331,027	Whitbourne	7-1994
5,514,379	Weissleder et al	5-1996
6,112,908	Michaels	9-2000

6,610,269	Klaveness et al	8-2003
2002/0061871	Peng et al	5-2002
2003/0170308	Cleary et al	9-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1,3-5,30,35 have been rejected under 35 U.S.C. 102(b) as being anticipated by DiCosmo et al. DiCosmo et al disclose an insertable medical device comprising a substrate such as a catheter and a hydrogel coating disposed on the substrate. The hydrogel polymer can be cross-linked. The coating will inherently, based upon its known properties and based upon the known manner in which MRI operates, render the device visible under MRI when placed in a patient. The hydrogel will inherently possess the properties as set forth in claims 3-5.

Claims 1,3-7,30,35 have been rejected under 35 U.S.C. 102(b) as being anticipated by Whitbourne. Whitbourne discloses a medical device such as a catheter comprising a substrate such as a catheter and a hydrogel polymer coating disposed on the substrate. The coating will inherently, based upon its known properties and based upon the known manner in which MRI operates, render the device visible under MRI when placed in a patient. The hydrogel will inherently possess the properties as set forth in claims 3-7.

Claims 1,3-5,10-11,15-22,28-31,35 have been rejected under 35 U.S.C. 102(b) as being anticipated by Weissleder et al. Weissleder et al disclose a medical device comprising a substrate such as a catheter and a hydrogel polymer coating disposed on the substrate. The coating is used to be able to visualize the device in the patient. The coating will inherently, based upon its known properties and based upon the known manner in which MRI operates, render the device visible under MRI when placed in a

patient. The hydrogel will inherently possess the properties as set forth in claims 3-5. The hydrogel composition can be cross-linked and can include paramagnetic particles/ions as set forth in the claims. With respect to claims 16, 18, Weissleder et al disclose that the paramagnetic materials may be covalently bonded to the hydrogel.

Claims 6-8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weissleder et al in view of Michaels. Weissleder et al disclose a medical device comprising a substrate such as a catheter and a hydrogel polymer coating disposed on the substrate. The coating is used to be able to visualize the device in the patient. The coating will inherently, based upon its known properties and based upon the known manner in which MRI operates, render the device visible under MRI when placed in a patient. Michaels discloses the use of a hydrogel coating that contains glycerin so as to prevent cracking during the drying process of the coating. It would have been obvious to one skilled in the art to have modified Weissleder et al such that glycerin is applied to the hydrogel to prevent cracking when the coating is applied to the medical device.

Claim 12 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Weissleder et al in view of Klaveness et al. Weissleder et al disclose a medical device comprising a substrate such as a catheter and a hydrogel polymer coating disposed on the substrate. The coating is used to be able to visualize the device in the patient. The coating will inherently, based upon its known properties and based upon the known manner in which MRI operates, render the device visible under MRI when placed in a patient. The hydrogel will inherently possess the properties as set forth in claims 3-5. The hydrogel composition can be cross-linked and can include paramagnetic particles/ions as set forth in the claims. Weissleder et al fails to specifically disclose the use of starch-coated iron oxide particles. Klaveness et al disclose MRI detectable materials comprising starch-coated iron oxide particles. It would have been obvious to one skilled in the art to have modified Weissleder et al such that the paramagnetic particles used are starch-coated iron oxide particles. Such a modification involves the substitution of one known type of paramagnetic particles detectable by MRI for another.

Claim 23 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Weissleder et al in view of Peng et al. Weissleder et al disclose a medical device comprising a substrate such as a catheter and a hydrogel polymer coating disposed on the substrate. The coating is used to be able to visualize the device in the patient. The coating will inherently, based upon its known properties and based upon the known manner in which MRI operates, render the device visible under MRI when placed in a patient. The hydrogel will inherently possess the properties as set forth in claims 3-5. The hydrogel composition can be cross-linked and can include paramagnetic particles/ions as set forth in the claims. Weissleder et al fails to disclose the use of aminopolycarboxylic acid. Peng et al disclose in paragraph 50 that aminopolycarboxylic acid is a known chelating agent for use with paramagnetic particles in MRI. It would have been obvious to one skilled in the art to have modified Weissleder et al such that it includes aminopolycarboxylic acid as the chelating agent for use with paramagnetic particles. Such a modification merely involves the substitution of one well known type of chelating agent for another.

Claims 24-27, 32, 33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weissleder et al in view of Cleary et al. Weissleder et al disclose a medical device comprising a substrate such as a catheter and a hydrogel polymer coating disposed on the substrate. The coating is used to be able to visualize the device in the patient. The coating will inherently, based upon its known properties and based upon the known manner in which MRI operates, render the device visible under MRI when placed in a patient. Weissleder et al fails to disclose the use of acrylic acid. Cleary et al disclose hydrogel compositions that include substituted or unsubstituted acrylic acid, polyacrylic acid, and a copolymer of acrylic acid and acrylamide. It would have been obvious to one skilled in the art to have modified Weissleder et al such that the hydrogel composition is as taught by Cleary et al. Such a modification merely involves the substitution of one known type of hydrogel composition for another.

Claims 34,36-38,69 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weissleder et al. Weissleder et al disclose a medical device comprising a substrate such as a interventional medical device and a hydrogel polymer coating disposed on the substrate. The coating is used to be able to visualize the device in the patient. The coating will inherently, based upon its known properties and based upon the known manner in which MRI operates, render the device visible under MRI when placed in a patient. The coating should provide a lubricious layer by itself once it contacts bodily fluids, however it would have been obvious to one skilled in the art to have provided an additional layer to ensure that the coating exhibits lubricious properties upon entry into the patient to prevent harm from coming to the patient as such is a well known expedient in the art. With respect to claims 36-38, it would have been obvious to one skilled in the art to have applied the coating to any type of device placed in the body for which one needs to monitor its location. With respect to claim 69, appellant discloses that it is known to use a primer coating to enhance adherence of a hydrogel polymer to a substrate. It would have been obvious to one skilled in the art to have modified Weissleder et al such that a primer coating is first applied in order to enhance adherence of the polymer to the substrate as taught by the prior art.

(10) Response to Argument

It is respectfully submitted that the recitation regarding the device being visible under MRI is directed to the intended use of the device and does not add any structural limitations to the device being claimed. Furthermore, the language set forth on lines 6-8 of claim 1 regarding the visibility of detectable species associated with the hydrogel polymer to MRI is modified by varying the degree of cross-linking is directed to an intended process limitation and does not add any further structural limitations to the claim. Furthermore, it is respectfully submitted a hydrogel coating will inherently, based upon its known properties and based upon the known manner in which MRI operates, render the device visible under MRI when placed in a patient.

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(11) Related Proceeding(s) Appendix

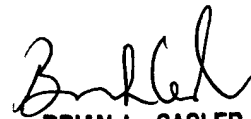
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

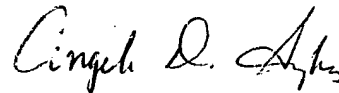


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